

Joint Standing Committee on State and Local Government

LD 2

An Act to Clarify the Division Line Between the Towns of Deer Isle and Stonington

P & S 3

Sponsor(s)
GOLDTHWAIT
VOLENIK

Committee Report
OTP-AM

Amendments Adopted
S-2

LD 2 proposed to resolve a disagreement among municipal officials over the proper placement of municipal boundary lines between the towns of Deer Isle and Stonington with respect to Eastern Mark Island and Shabby Island. The bill clarified that the municipal jurisdiction for Eastern Mark Island is with Stonington and that Shabby Island is within Deer Isle.

Committee Amendment "A" (S-2) proposed to make the bill retroactive to April 1, 2000.

Enacted law summary

Private and Special Law 2001, chapter 3 resolves a disagreement among municipal officials over the proper placement of municipal boundary lines between the towns of Deer Isle and Stonington with respect to Eastern Mark Island and Shabby Island. The law distinguishes the boundary line between the Town of Deer Isle and the Town of Stonington by clarifying that the municipal jurisdiction for Eastern Mark Island is with Stonington and Shabby Island is within Deer Isle. The law is retroactive to April 1, 2000.

LD 40

An Act to Designate the Maine Dirigo Tartan the Official State Tartan

ONTP

Sponsor(s)
FERGUSON
RICHARD

Committee Report
ONTP

Amendments Adopted

LD 40 proposed to establish the Maine Dirigo Tartan as the official state tartan. As the official state tartan, the Maine Dirigo Tartan would have been distinguished from the Maine State Tartan for which a copyright is held by a private company.

LD 58

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Attorney General

ONTP

Sponsor(s)
PERKINS

Committee Report
ONTP

Amendments Adopted

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LD 58 proposed to amend the Constitution of Maine to establish the direct popular election of the State's Attorney General beginning in 2002 in the manner currently provided for Senators and Representatives.

LD 61 **RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Eliminate the Ability of the Legislature to Pass Legislation
Imposing Mandates on Municipalities** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS	ONTP MAJ OTP-AM MIN	

LD 61 proposed to eliminate the ability of the Legislature, by 2/3 majority, to pass legislation imposing mandates on municipalities for which no funding is provided.

Committee Amendment "A" (H-288), which was the minority report, proposed to amend the original resolution by retaining the current language in the Constitution of Maine, Article IX, Section 21 with the exception of the requirement that a 2/3 majority of the Legislature vote to impose mandates on local units of government. The amendment proposed to strike the 2/3 majority and replace it with a 3/4 majority. The amendment also proposed to change the proposed referendum question to reflect this change and to refer to local units of government instead of municipalities.

LD 63 **RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Provide 4-year Terms for Senators and Members of the
House of Representatives** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LABRECQUE	ONTP	

LD 63 proposed to amend the Constitution of Maine to change Legislators' terms to 4 years following the general election in 2002. Under the proposed bill, the Legislature would meet each year, but the business of the Legislature in the 2nd and 4th years would have been restricted as it is presently in the 2nd year.

LD 70 **An Act to Designate the Second Saturday in September as Maine
Youth Field and Stream Day** **PUBLIC 68**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP CARPENTER	OTP-AM	H-110

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LD 70 proposed to designate the 2nd Saturday in September of each year as Youth Field Day and to direct the Governor to issue annually a proclamation inviting and urging the youth of this State to observe that day by participating in outdoor activities.

Committee Amendment "A" (H-110) proposed to rename the proposed commemorative day Maine Youth Field and Stream Day and changed the title of the bill to reflect that change. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 68 designates the 2nd Saturday in September of each year as Maine Youth Field and Stream Day. The Governor is directed to issue annually a proclamation inviting and urging the youth of this State to observe this day by participating in outdoor activities.

LD 92

An Act to Establish the Washington County Emergency Medical Services Authority

**P & S 1
EMERGENCY**

Sponsor(s)
GOODWIN
MICHAUD MH

Committee Report
OTP-AM

Amendments Adopted
H-6

LD 92 proposed to establish the Washington County Emergency Medical Services Authority, which would facilitate the provision of medical services to citizens in Washington County. It proposed to establish a 17-member board of directors. The bill also proposed that the authority be empowered to employ personnel, enter into contracts, hold public hearings, sue and be sued, accept funds, grants and services from federal, state, county and municipal governments or any agency, as well as provide gifts from entities and foundations, and allocate and spend funds to promote the authority. It also proposed to require the authority to prepare an annual budget, follow uniform standards established in Maine law, and make provisions for emergency medical services in the county on a contract basis where new services are to be provided. The bill also proposed to require the authority to implement a countywide subscription membership program and to set and adjust an approved cost-basis schedule for emergency medical services provided by the authority.

Committee Amendment "A" (H-6) proposed to make the following changes to the bill.

1. It clarified the Washington County Emergency Medical Services Authority's power to purchase and lease emergency medical services equipment and vehicles.
2. It clarified that the authority is allowed to accept private gifts from individuals.
3. It required that the authority be audited annually.
4. It clarified that debts incurred by the authority do not create any debt liability on the part of the State.

The amendment also proposed to add a fiscal note to the bill.

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Enacted law summary

Private and Special Law 2001, chapter 1 establishes the Washington County Emergency Medical Services Authority. The law authorizes the Authority to purchase and lease emergency medical services equipment and vehicles. The law allows the authority to accept private gifts from individuals. P&S 2001, chapter 1 also requires that the authority be audited annually and clarifies that debts incurred by the authority do not create any debt liability on the part of the State.

Private and Special Law 2001, chapter 1 was enacted as an emergency measure effective January 25, 2001.

LD 103

An Act to Amend Eminent Domain Powers

PUBLIC 328

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM MAJ	H-528
DOUGLASS	ONTP MIN	

LD 103 proposed to allow a person whose land was taken by a municipality by eminent domain to reacquire the property at the price the municipality paid to that person for the property if the municipality does not start development of the property for the purpose for which it was taken within 5 years of the time it was taken.

Committee Amendment "A" (H-528), which replaced the bill and applied to all eminent domain proceedings under Maine law, proposed that if land taken under eminent domain is not used for the purpose of the taking within 8 years, the entity that took the property must reaffirm the need to retain the property. Property taken for development purposes is considered to be used for its intended purpose if substantial on-site construction has been commenced. The amendment also recognized that the purpose of a taking may be for conservation purposes to prevent development of a piece of land. Following the initial reaffirmation, additional reaffirmations must take place every 3 years as long as the purpose of the taking remains unaccomplished. If the project for which the taking was accomplished is ever abandoned or if reaffirmation fails to occur, the taking entity must provide a right of first refusal to reacquire the property to the condemnee or condemnee's heir. The reacquisition price is the original condemnation price plus adjustments for improvements to the property and for changes in the Consumer Price Index since the taking. Written notice is required to the condemnee or the condemnee's heirs by certified mail, return receipt requested. If the address of the condemnee or the condemnee's heir cannot be determined after reasonable diligence, notice may be by 2 newspaper publications. The condemnee or the condemnee's heir has 90 days to respond or the taking entity may sell the property for fair market value. The condemnee or the condemnee's heir may relinquish his or her rights at any time and full ownership rights transfer to the taking entity. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 328 applies to all eminent domain proceedings under Maine law. Under chapter 328, if land taken by eminent domain is not used for the purpose for which taken within 8 years, the entity that took the property must reaffirm the need to retain the property. Property taken for development purposes is considered to be used for its intended purpose if substantial on-site construction has been commenced. The amendment also recognizes that the purpose of a taking may be for conservation purposes to prevent development of land. Following the initial reaffirmation of the public need, additional reaffirmations must take place every 3 years as long as the purpose of the taking remains unaccomplished. Subsequently, if the project for which the taking was

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accomplished is abandoned or if reaffirmation fails to occur, the taking entity must provide a right of first refusal to the condemnee or condemnee's heir to reacquire the property. The reacquisition price is the original condemnation price plus adjustments for improvements to the property and for changes in the Consumer Price Index since the taking. Written notice must be provided to the condemnee or the condemnee's heir by certified mail, return receipt requested. If the address of the condemnee or the condemnee's heir cannot be determined after reasonable diligence, notice may be by 2 newspaper publications. The condemnee or the condemnee's heir then has 90 days to respond or the taking entity may sell the property for fair market value. The condemnee or the condemnee's heir may relinquish his or her rights at any time and full ownership rights transfer to the taking entity.

LD 106

An Act to Establish Maine Lighthouse Week

**PUBLIC 5
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCNEIL	OTP	
SAVAGE C		

LD 106 proposed to establish Maine Lighthouse Week during the 3rd full week in June, beginning in 2001.

Enacted law summary

Public Law 2001, chapter 5 designates the 3rd full week in June as Maine Lighthouse Week beginning in 2001.

Public Law 2001, chapter 5 was enacted as an emergency measure effective March 13, 2001.

LD 112

**An Act to Designate the First Saturday in September as Colonel
Freeman McGilvery Day**

PUBLIC 7

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D	OTP MAJ	
	ONTP MIN	

LD 112 proposed to establish the first Saturday in September as Colonel Freeman McGilvery Day.

Enacted law summary

Public Law 2001, chapter 7 designates the first Saturday in September as Colonel Freeman McGilvery Day.

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LD 169

**An Act to Ensure the Continuing Beauty and Accessibility of
Capitol Park**

PUBLIC 468

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J DAGGETT	OTP-AM	H-76

LD 169 proposed that any action taken with respect to Capitol Park must be consistent with the plan for Capitol Park developed by the Olmsted Brothers firm in 1920.

Committee Amendment "A" (H-76) proposed to amend the original bill by specifically referencing the 1990 update of the Olmsted Brothers' plan for Capitol Park that was developed by the Pressley firm. It is the 1990 revision that serves as the current guide to restoration of the park. This amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 468 provides that any action taken with respect to Capitol Park in Augusta must be consistent with the plan for Capitol Park developed by the Olmsted Brothers firm in 1920 as updated by the Pressley firm in 1990.

LD 184

An Act to Expand Contract Zoning Authority for Municipalities

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL PENDLETON	ONTP	

LD 184 proposed to enable municipalities to include as a condition and restriction of a contract zone a prohibition on converting the use or ownership of the contracted property to one that is exempt from property tax.

LD 207

**Resolve, Authorizing the Commissioner of Administrative and
Financial Services to Purchase Land in Charleston, Maine**

RESOLVE 4

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P KASPRZAK	OTP-AM	S-18

LD 207 proposed to authorize the Commissioner of Administrative and Financial Services to purchase a parcel of land approximately 4 acres in size, with the buildings located on the property, to increase the security buffer around the Northern Maine Juvenile Facility in Charleston.

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Committee Amendment "A" (S-18) proposed to amend the original resolve by limiting to \$90,000 the amount that the State may pay for land it is seeking authorization to purchase in the Town of Charleston. It also proposed to add a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 4 authorizes the Commissioner of Administrative and Financial Services to purchase a parcel of land approximately 4 acres in size, with the buildings located on the property, to increase the security buffer around the Northern Maine Juvenile Facility in Charleston. The law limits to \$90,000 the amount that the State may pay for land it will purchase in the Town of Charleston.

LD 236

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in 6 Parcels of Land, One with a Building, Held by the Department of Education and Located in the Unorganized Territories

RESOLVE 14

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM	S-59

LD 236 proposed to authorize the Commissioner of Administrative and Financial Services to sell 6 parcels of land, one with a building, held by the Department of Education in the unorganized territories, but no longer used by the department. Three of the parcels are located in Oxford County, and single parcels are located in each of the following counties: Aroostook, Somerset and Washington.

Committee Amendment "A" (S-59) proposed to amend the resolve by including a public auction as one of the methods for leasing or selling the 6 parcels of land that are the subject of the resolve. It also proposed to make 2 minor technical changes to the original resolve and to add a fiscal note.

Enacted law summary

Resolve 2001, chapter 14 authorizes the Commissioner of Administrative and Financial Services to sell 6 parcels of land, one with a building, held by the Department of Education in the unorganized territories, but no longer used by the department. Three of the parcels are located in Oxford County, and single parcels are located in each of the following counties: Aroostook, Somerset and Washington. The law also specifies that a public auction is one of the methods for leasing or selling the 6 parcels of land that are the subject of the resolve.

LD 241

An Act to Change the Fiscal Year of Sagadahoc County

PUBLIC 143

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY SMALL	OTP-AM	H-116

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LD 241 proposed to amend the laws governing the Sagadahoc County budget process to change the dates of submission of the annual budget and the date by which the county commissioners must act on the annual budget. These proposed date changes would enable Sagadahoc County to change its fiscal year from January 1st to December 31st to July 1st to June 30th.

Committee Amendment "A" (H-116) proposed to amend the bill by adding a mandate preamble and by striking out a requirement that the Sagadahoc budget advisory committee hold a joint public hearing with the Sagadahoc County commissioners on the annual county budget. It also proposed to require the Sagadahoc County commissioners to submit a 6-month budget and a 12-month budget to facilitate the transition to a new fiscal year.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 143 amends the laws governing the Sagadahoc County budget process to change the dates of submission of the annual budget and the date by which the county commissioners must act on the annual budget. These date changes enable Sagadahoc County to change its fiscal year from January 1st to December 31st to July 1st to June 30th. The law also requires the Sagadahoc County commissioners to submit a 6-month budget and a 12-month budget to facilitate the transition to a new fiscal year.

LD 245

An Act to Establish Destroyer Escort Day

**PUBLIC 19
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAILHOT	OTP MAJ	
DOUGLASS	ONTP MIN	

LD 245 proposed to designate the 3rd Saturday in June of each year as Destroyer Escort Day in honor of the destroyer escort ships and the people from this State who served on them.

Enacted law summary

Public Law 2001, chapter 19 designates the 3rd Saturday in June of each year as Destroyer Escort Day in honor of the destroyer escort ships and the people from this State who served on them.

Public Law 2001, chapter 19 was enacted as an emergency measure effective April 6, 2001.

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LD 319

An Act to Allow Municipalities to Advertise Legal Notices in
Weekly Newspapers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY MUSE K	ONTP	

LD 319 proposed to allow municipalities to advertise public legal notices in weekly newspapers of general circulation to satisfy public notice requirements included in Title 30-A of the Maine Revised Statutes.

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LD 326

An Act to Eliminate the 3 Advisory Members of the Somerset County Budget Committee

PUBLIC 150

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-65

LD 326 proposed to change the legislative membership of the Somerset County Budget Committee by eliminating from the budget committee the 3 advisory members and replacing them with one voting member.

Committee Amendment "A" (S-65) proposed to strike the text of the original bill. The amendment proposed to eliminates the 3 nonvoting legislative members from the Somerset County Budget Committee. It also proposed to repeal a requirement that the Somerset County legislative delegation select 3 of its members to serve as nonvoting members on the budget committee.

Enacted law summary

Public Law 2001, chapter 150 eliminates the 3 nonvoting legislative members of the Somerset County Budget Committee. The law also repeals a requirement that the Somerset County legislative delegation select 3 of its members to serve as nonvoting members on the budget committee.

LD 343

Resolve, Authorizing the Department of Marine Resources to Convey by Transfer and Easement to the Boothbay Harbor Sewer District the State's Interest in Certain Property on McKown Point in West Boothbay Harbor

**RESOLVE 7
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY KILKELLY	OTP-AM	H-115 BAGLEY H-32

LD 343 proposed to authorize the Department of Marine Resources to convey to the Boothbay Harbor Sewer District the department's sewerage facilities located on state property on McKown Point in Boothbay Harbor. The resolve proposed that the department negotiate the transfer to the Boothbay Harbor Sewer System ownership of the transport pipe and collector system from the point of tie-in at the state property line to the point at which the state trunk line ties into the sewer district's collector. The resolve also proposed that the department negotiate an easement for the right-of-way where the line is placed.

Committee Amendment "A" (H-32) added an emergency preamble and emergency clause to the resolve. It also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-115) proposed to amend Committee Amendment "A" to remove the emergency preamble and emergency clause.

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Enacted law summary

Resolve 2001, chapter 7 authorizes the Department of Marine Resources to convey to the Boothbay Harbor Sewer District the department's sewerage facilities located on state property on McKown Point in Boothbay Harbor. The law authorizes the department to negotiate the transfer to the Boothbay Harbor Sewer System ownership of the transport pipe and collector system from the point of tie-in at the state property line to the point at which the state trunk line ties into the sewer district's collector. The law also authorizes the department to negotiate an easement for the right-of-way where the line is placed.

LD 352

An Act to Prohibit Personal Use of State Vehicles by State Employees

ONTP

Sponsor(s)
WHEELER G
LEMONT

Committee Report
ONTP

Amendments Adopted

LD 352 proposed to prohibit state employees from using state-owned or state-leased vehicles for any personal business.

LD 369

An Act to Establish Maine Small Business Week

PUBLIC 36

Sponsor(s)
MACDOUGALL
SAWYER

Committee Report
OTP-AM

Amendments Adopted
H-30

LD 369 proposed to designate April 15th as Small Business Day to promote the State's small businesses and our free enterprise system.

Committee Amendment "A" (H-30) replaced the bill and proposed to establish the 3rd week in May, or any other week coinciding with the week designated Small Business Week at the national level, as Maine Small Business Week to promote the State's small businesses and the free enterprise system. It also proposed to add a fiscal note.

Enacted law summary

Public Law 2001, chapter 36 designates the 3rd week in May, or any other week coinciding with the week designated Small Business Week at the national level, as Maine Small Business Week to promote the State's small businesses and the free enterprise system.

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LD 372

An Act to Clarify Municipal Authority Over Cable Television Franchises

ONTP

<u>Sponsor(s)</u> BERRY D		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 372 proposed to clarify that the authority of municipal officers with respect to the enactment of cable television ordinances and the granting or denial of a cable television franchise is subject to the citizens' rights to invoke the municipality's initiative and referendum processes. A majority of the committee seriously considered an amendment that would have replaced the bill and required municipalities to accept and negotiate on all competing franchise applications and required that, if a competing franchise is granted, it must be granted on essentially the same terms as the existing franchise. After several work sessions, the committee decided not to support the bill or the amendment and voted unanimously ONTP.

LD 381

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Election of the Secretary of State

ONTP

<u>Sponsor(s)</u> MENDROS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 381 proposed to amend the Constitution of Maine to establish the direct popular election of the Secretary of State and to provide for filling vacancies in the office of the Secretary of State in the same manner as provided for Governor.

LD 389

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Prohibit a Person Employed Full-time in the Judicial or Executive Branch of the State from Serving in the Legislature

ONTP

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 389 proposed to amend the Constitution of Maine to prohibit full-time employees of the judicial or executive branch of the State from serving in the Legislature.

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LD 421

An Act to Require the Department of Audit to Conduct Random Audits of State Programs

PUBLIC 104

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN KNEELAND	OTP-AM	H-101

LD 421 proposed to require the Department of Audit to conduct random audits of state departments and agencies.

Committee Amendment "A" (H-101) proposed to amend the original bill by changing its title and by requiring the Department of Audit to conduct random audits of state programs, rather than state departments and agencies. It also proposed to change the date by which the department must report its findings to the Legislature.

This amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 104 requires the Department of Audit to conduct random audits of programs existing within state departments and agencies. The law requires the department to report its findings to the Joint Standing Committee on State and Local Government by January 15, 2002 and no later than January 15th of each year thereafter.

LD 434

Resolve, Regarding the Expansion of a Right-of-way Across the Elizabeth Levinson Center in Bangor

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY	ONTP	

LD 434 proposed to amend Resolve 1983, chapter 23, as amended by Resolve 1999, chapter 57, that authorized the conveyance of a right-of-way across the Elizabeth Levinson Center on the Hogan Road in Bangor to abutting landowner John Burke. LD 434 proposed to widen the easement granted to Mr. Burke across the Levinson Center property from 50 feet to 100 feet.

LD 444

An Act to Allow Washington County to Elect Its Own District Attorney

DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER SHOREY	OTP-AM MAJ ONTP MIN	

LD 444 proposed to enable the residents of Washington County to elect their own district attorney, creating a new prosecutorial district, Prosecutorial District Number 9. Creating this new district would result in the residents of

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Hancock County electing their own district attorney in Prosecutorial District 7. LD 444 also proposed that the district attorneys for Districts 7 and 9 be residents of either Washington or Hancock counties.

Committee Amendment "A" (H-77) was the majority report of the committee. It proposed to add a mandate preamble, to insert an appropriation section and to add a fiscal note to the original bill.

House Amendment "A" (H-111) was presented on behalf of the Committee on Bills in the Second Reading to correct an amending clause in the original bill.

House Amendment "A" to Committee Amendment "A" (H-151) proposed to remove the mandate preamble and appropriation section from the committee amendment. It also proposed to add a new appropriation section and to provide that the provisions of the bill apply to elections beginning in calendar year 2002.

Senate Amendment "A" to Committee Amendment "A" (S-85), which was identical to House Amendment "A," proposed to remove the mandate preamble and appropriation section from the committee amendment. It also proposed to add a new appropriation section and to provide that the provisions of the bill apply to elections beginning in calendar year 2002.

None of the amendments were adopted.

LD 446 **An Act to Prohibit State Expenditures on International Treaties not Ratified by the United States Senate** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	ONTP MAJ	
DAVIS P	OTP-AM MIN	

LD 446 proposed to prohibit a state department or agency from expending or awarding funds to implement an international treaty that has not been ratified by the United States Senate and to define the term "implement."

LD 471 **An Act to Provide a Local Option on Display of the United States and State Flags** **PUBLIC 162**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS	OTP-AM MAJ	H-145
LONGLEY	ONTP MIN	

LD 471 proposed to amend the Uniform Flag Law to allow the Governor, the county commissioners, the governing body of a municipality and the Maine Land Use Regulation Commission to authorize the flying of the state flag at half-mast in those areas over which those entities have authority.

Committee Amendment "A" (H-145), which was the majority report, proposed to amend the original bill by adding the United States flag to the title and by striking the text of the original bill and replacing it with changes to

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current language in the Maine Revised Statutes, Title 1. The amendment also proposed to empower the Governor, when the Governor deems it appropriate, to authorize the United States or State of Maine flags to be flown at half staff in a political subdivision or a specified location in the State. It also proposed to strike from current law a reference to committing a Class E crime for violating the Federal United States Flag Code. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 162 authorizes the Governor to authorize the United States or State of Maine flag to be flown at half-staff in a political subdivision or a specified location in the State. The law also repeals the Class E crime of violating the Federal United States Flag Code.

LD 494

An Act to Authorize a Major Medical Insurance Program for Prisoners Incarcerated in County Jails

PUBLIC 97

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP	

LD 494 proposed to authorize 5 or more counties or an organization representing 5 or more counties to form a self-funded pool to cover medical expenses of prisoners in county jails. Essentially, the bill proposed to authorize counties to aggregate their health risks for prisoners and have such a program managed centrally by the Maine County Commissioners Association.

Enacted law summary

Public Law 2001, chapter 97 authorizes 5 or more counties, or an organization representing 5 or more counties, to form a self-funded pool to cover medical expenses of prisoners in county jails. Essentially, the law authorizes counties to aggregate their health risks for prisoners and have such a program managed centrally by the Maine County Commissioners Association.

LD 500

An Act to Clarify the Act of Separation of Frye Island from the Town of Standish

**P & S 8
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA	OTP MAJ	
SAVAGE W	ONTP MIN	

LD 500 proposed to amend Private and Special Laws 1997, chapter 41 to clarify that following its separation from the Town of Standish, the Town of Frye Island must remain in School Administrative District 6 unless such withdrawal is authorized by the Legislature.

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House Amendment "A" (H-52), which was not adopted, proposed to permit the Town of Frye Island to withdraw from School Administrative District 6 if it joined another school administrative unit. It also proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 2001, chapter 8 clarifies that the Town of Frye Island must remain in School Administrative District 6 following its separation from the Town of Standish, unless specifically authorized by the Legislature to withdraw from the district.

Private and Special Law 2001, chapter 8 was enacted as an emergency measure effective April 11, 2001.

LD 518

An Act to Promote Affordable Housing for the Elderly

PUBLIC 78

Sponsor(s)
LEDWIN
SAWYER

Committee Report
OTP-AM

Amendments Adopted
H-89

LD 518 proposed to enable a municipality to appropriate funds and to issue general obligation bonds to provide municipally owned rental housing for the elderly. To accomplish this, the bill proposed to amend section 5726 of Title 30-A of the Maine Revised Statutes, which delineates the purposes for which municipalities may raise or appropriate money.

Committee Amendment "A" (H-89) proposed to amend the bill by adding the facilitation of affordable housing as a purpose for which municipalities may raise and appropriate money.

Enacted law summary

Public Law 2001, chapter 78 enables a municipality to appropriate funds and to issue general obligation bonds to provide municipally owned rental housing for the elderly and to facilitate the construction of affordable housing. To accomplish this, the law amends section 5726 of Title 30-A of the Maine Revised Statutes, which delineates the purposes for which municipalities may raise or appropriate money.

LD 522

**An Act to Hold Persons Incarcerated in County Jails Accountable
for Certain Costs Associated with Their Incarceration**

ONTP

Sponsor(s)
LESSARD
DAVIS P

Committee Report
ONTP

Amendments Adopted

LD 522 proposed to provide that a person booked by a county jail could be held liable for the cost of being processed by the jail. It also proposed to provide that a person incarcerated in a county jail may be held liable for the cost of board in the jail and may be required to pay a damage deposit.

Joint Standing Committee on State and Local Government

LD 529

An Act to Create the Office of Ombudsman

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY	ONTP	

LD 529 proposed to establish the Office of Ombudsman to oversee and hear complaints regarding the actions of administrative agencies of the State. This Act would have taken effect January 1, 2003.

LD 548

**An Act to Repeal the Requirement that the Kennebec County
Budget be Approved by the Legislature**

PUBLIC 170

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM MAJ ONTP MIN	H-176

LD 548 proposed to repeal the requirement that the budget for Kennebec County be submitted to the Legislature for approval. In place of final approval by the Legislature, this bill proposed to require that the Kennebec County Advisory Budget Committee submit a final budget to the county commissioners who could change the budget only by the unanimous vote of the county commissioners. In turn, the changes made by the county commissioners could be overridden by a 2/3 vote of the advisory budget committee.

Committee Amendment "A" (H-176), which was the majority report, proposed to replace the bill. The amendment proposed to delete references to "advisory" from the laws governing the Kennebec County Budget Committee. It also proposed to eliminate legislative approval for the county budget and to empower the budget committee to submit a final budget to the county commissioners, who could change the budget only by the unanimous vote of the county commissioners. Any changes made by the county commissioners could be overridden by a 2/3 vote of the budget committee. The amendment also proposed to make several technical changes to the laws governing the Kennebec County Budget Committee.

Enacted law summary

Public Law 2001, chapter 170 deletes references to "advisory" from the laws governing the Kennebec County Budget Committee. The law also repeals the requirement that the county budget receive legislative approval and empowers the budget committee to submit a final budget to the county commissioners, who may change the budget only by the unanimous vote of the county commissioners. The law also provides that any changes made by the county commissioners may be overridden by a 2/3 vote of the budget committee. PL 2001, chapter 170 also make several technical changes to the laws governing the Kennebec County Budget Committee.

Joint Standing Committee on State and Local Government

LD 551

**An Act to Amend the Law Regarding the Maine Governmental
Facilities Authority**

**DIED BETWEEN
BODIES**

Sponsor(s)
O'BRIEN J

Committee Report

Amendments Adopted

LD 551, which was not referred to committee was ruled by the Speaker of the House to be improperly before the body and subsequently indefinitely postponed in the Senate. The bill proposed to require a 2/3 vote of approval in each House of the Legislature prior to the Maine Governmental Facilities Authority issuing securities to fund the construction, reconstruction, purchase or acquisition of facilities. The proposed changes would not have affected any project approved prior to the effective date of this bill. A similar bill, LD 1767, which proposed sending out for voter approval an amendment to the Constitution of Maine to require the 2/3 vote of both Houses of the Legislature for the MGFA to issue securities, was referred to the Joint Standing Committee on Appropriations and Financial Affairs and resulted in a divided report. LD 1767 ultimately died between the bodies.

LD 562

**An Act to Allow Municipalities to Create Capital Improvement
Districts**

CARRIED OVER

Sponsor(s)
ANDREWS
LEMONT

Committee Report

Amendments Adopted

LD 562 proposed to authorize municipalities to create a capital improvement district for the purpose of making an infrastructure improvement that primarily serves the property owners of the district. The bill proposed to establish the process for creating and operating such a district. It also proposed to establish the process for assessing costs of the improvement. The Joint Standing Committee on State and Local Government voted to carry over the bill to the Second Regular Session pending a report from a subcommittee established to resolve issues raised during the public hearing and work sessions on the bill.

LD 568

**An Act to Improve Local Governmental Unit Access to Bulk
Purchasing**

ONTP

Sponsor(s)
MITCHELL C
O'GARA

Committee Report
ONTP

Amendments Adopted

LD 568 proposed to replicate in the Maine Municipal Bond Bank enabling statutes language from the Maine Health and Higher Educational Facilities Authority Act that would allow local governments and nonprofit groups to obtain the savings associated with the bulk purchase of operational commodities, such as heating oil and other petroleum products.

Joint Standing Committee on State and Local Government

LD 582

An Act to Prohibit the State from Competing with Private Industry

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY	ONTP	

LD 582 proposed to revise the language of the existing prohibition against conflicts of interest in state purchases to more explicitly prohibit the State and its employees and agents from providing services for fees or from undertaking enterprises that compete with private industry.

See also LD 1578.

LD 597

An Act Concerning Fees Charged to State Agencies for the Review of Leases

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUMPS	ONTP	

LD 597 proposed to prohibit the Department of Administrative and Financial Services, Bureau of General Services from levying a charge against a state department or agency for the review or approval of a leased space contract in the 2nd year and subsequent years of a leased space contract.

LD 636

An Act to Promote Healthy Workplaces

DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY LAFOUNTAIN	OTP-AM MAJ ONTP MIN	

LD 636 proposed to require the State, after January 1, 2003, to provide bicycle and pedestrian access, bicycle parking and shower facilities for office buildings owned by or partly financed by the State. It also proposed to require that the Department of Administration and Financial Services, Bureau of General Services adopt rules to carry out the purposes of the bill.

Committee Amendment "A" (H-297), which was the majority report but which was not adopted, proposed to strike the original text of the bill. The amendment proposed to require that the State provide parking for bicycles adjacent to, and shower and changing facilities for use by state employees in any new state office building that is built after January 1, 2003 and in any existing state office building that is subject to substantial renovation or any new addition to a state office building that extends beyond the exterior walls of the existing building when the renovation or addition is undertaken after January 1, 2003. The amendment also proposed to define "substantial renovation" and "state office building." The amendment also proposed to add a fiscal note to the bill.

Joint Standing Committee on State and Local Government

LD 639

An Act to Require Notification to All Property Owners in a Municipality of a Zoning Change Made in That Municipality

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSTER	ONTP	

LD 639 proposed to require that municipalities must notify all property owners within their jurisdictions of the adoption of any new or amended zoning ordinance.

LD 714

An Act to Authorize a Legislative Technical Advisory Office to Benefit from the Experience of Retired Scientific and Technical Experts

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON	OTP-AM MAJ	H-290
SHOREY	ONTP MIN	

LD 714, modeled after an initiative begun in Delaware in 1999, proposed to authorize a Technical Advisory Office, under the auspices of the Legislative Council, to make use of the technical and scientific expertise of retired volunteers in the State in advising the Legislature. The bill died on the Appropriations Table upon adjournment of the First Regular Session.

LD 769

An Act to Change the Job Title of County Administrator to County Manager for York County

PUBLIC 107

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY	OTP	
ESTES		

LD 769 proposed to establish the position of county manager for York County and to direct the York County Commissioners to hire a county manager in place of the current county administrator by January 1, 2002. The bill also described the duties of York County Manager.

Enacted law summary

Public Law 2001, chapter 107 directs the York County commissioners to hire a full-time county manager in place of a county administrator by January 1, 2002. The law defines the duties of the manager and requires that the appointment process, tenure and pay be the same as for the administrator.

Joint Standing Committee on State and Local Government

LD 796

An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM MAJ ONTP MIN	

LD 796 proposed to prohibit municipal ordinances or bylaws enacted by citizen initiative or referendum from containing retroactivity provisions that have the effect of invalidating, repealing, revoking or modifying any building permit, land use approval or other action having the effect of permitting development if that permit or approval was issued or that action was taken prior to enactment of the ordinance or bylaw.

Committee Amendment "A" (S-167), which was not adopted, was the majority report of the Joint Standing Committee on State and Local Government. It proposed to strike the text of the bill, including the emergency preamble and emergency clause. The amendment also proposed to prohibit a municipal ordinance or bylaw enacted by citizen initiative or referendum from containing a retroactive clause that would invalidate, repeal, revoke or modify, or have the effect of invalidating, repealing, revoking or modifying, any action having the effect of permitting development if that permit or approval was issued prior to the enactment of the ordinance or bylaw.

House Amendment "A" to Committee Amendment "A" (H-635), which was not adopted, proposed to prohibit a municipal ordinance or bylaw enacted by citizen initiative or referendum from containing a retroactive clause that would invalidate, repeal, revoke or modify, or have the effect of invalidating, repealing, revoking or modifying, any building permit, zoning permit, land use approval, subdivision approval, site plan approval, rezoning, certification, variance or other action having the effect of permitting development if that permit or approval was issued or that action was taken at least 60 days prior to the initial application for an initiative or referendum petition.

House Amendment "B" to Committee Amendment "A" (H-648), which was not adopted, proposed to prohibit a municipal ordinance or bylaw enacted by citizen initiative or referendum from containing a retroactive clause that would invalidate, repeal, revoke or modify, or have the effect of invalidating, repealing, revoking or modifying, any building permit, zoning permit, land use approval, subdivision approval, site plan approval, rezoning, certification, variance or other action having the effect of permitting development if that permit or approval was issued or that action was taken at least 90 days prior to the initial application for an initiative or referendum petition.

House Amendment "C" to Committee Amendment "A" (H-681), which was not adopted, proposed to limit the restriction on retroactive citizen initiatives to those initiatives that invalidate or have the effect of invalidating any building permit, zoning permit, land use approval, subdivision approval or site plan approval. The amendment proposed to allow a citizen initiative that is not related to previously issued permits or land use approvals. The amendment also proposed to require a citizen initiative that contains a retroactive clause that has the effect of invalidating a building permit, zoning permit, land use approval, subdivision approval or site plan approval to be submitted for certification within 60 days of the issuance of the permit or approval that the citizen initiative is attempting to revoke. Under the amendment, the citizen initiative must be voted on at the next regularly scheduled election for that area.

House Amendment "D" to Committee Amendment "A" (H-697), which was not adopted, proposed to prohibit citizen initiatives that invalidate or have the effect of invalidating retroactively any building permit, zoning permit, land use approval, subdivision approval or site plan approval. The amendment proposed to allow a citizen initiative that is not related to previously issued permits or land use approvals.

Joint Standing Committee on State and Local Government

A committee of conference was appointed but reported that members were unable to agree on a resolution of their differences on the bill.

LD 800 **An Act to Amend the Laws Governing the Kennebec County
Advisory Budget Committee** **ONTP**

<u>Sponsor(s)</u> MATTHEWS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 800 proposed to amend the Kennebec County Advisory Budget Committee by allowing rather than requiring the committee to have a subcommittee of members from the Kennebec County legislative delegation. The bill also proposed to reduce the time within which the commissioners must submit an itemized budget estimate to the advisory budget committee from 60 days to 30 days. The bill also proposed to change the date by which the commissioners submit the budget to the Legislature from January 15th to February 1st.

LD 832 **An Act to Clarify Mutual Aid Agreements Between Law
Enforcement Agencies** **PUBLIC 65**

<u>Sponsor(s)</u> DUPLESSIE O'GARA		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 832 proposed to allow a law enforcement agency to request assistance from a municipality, a county or the State for jointly planned collaborative activities or for major unplanned incidents without a written agreement specifying liability.

Enacted law summary

Public Law 2001, chapter 65 allows a law enforcement agency to request assistance from a municipality, a county or the State for jointly planned collaborative activities or for major unplanned incidents without an agreement specifying liability.

Joint Standing Committee on State and Local Government

LD 837

An Act to Require that the State Put Out to Open Bid the Phone Card Plan

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRESSEY DAVIS P	ONTP	

LD 837 proposed to require that the Director of the Bureau of General Services within the Department of Administrative and Financial Services purchase through competitive bidding toll calling and phone card services for all state departments and agencies on an annual basis.

LD 848

An Act to Establish the Patricia A. Bailey Memorial

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRACY KILKELLY	ONTP	

LD 848 proposed to establish the Patricia A. Bailey Memorial, which would have been dedicated to women who serve in law enforcement in the State.

LD 856

Resolve, Authorizing the Transfer of Land from the State to School Administrative District No. 16

RESOLVE 13

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER TREAT	OTP-AM	H-131

LD 856 proposed to authorize the transfer to School Administrative District No. 16 of the Reed Auditorium, certain buildings between the Reed Auditorium and Winthrop Street in Hallowell and sufficient land for a new elementary school. The bill further proposed that following the conveyance of the land and buildings to the district, the district would be eligible to apply for school construction and renovation projects to adapt the buildings to school use.

Committee Amendment "A" (H-131) proposed to strike the original resolve and replace it with language that provides School Administrative District No. 16 an option period in which to negotiate the transfer of a parcel of state-owned property at the Stevens School in Hallowell as the site of a new elementary school. The amendment also proposed that the transfer include the Reed Auditorium at the Stevens School and adjacent buildings. The amendment also proposed that in the event that the State does not transfer the property to the school district, the State would be authorized to offer the land for sale at the appraised market value. This amendment also proposed to extend the repeal date of the resolve from 3 to 5 years and to add a fiscal note to the resolve.

Joint Standing Committee on State and Local Government

Enacted law summary

Resolve 2001, chapter 13 provides School Administrative District No. 16 an option period in which to negotiate the transfer of a parcel of state-owned property at the Stevens School in Hallowell as the site of a new elementary school. The proposed transfer also includes the Reed Auditorium at the Stevens School and adjacent buildings. In the event that the State does not transfer the property to the school district, the law authorizes the State to offer the land for sale at the appraised market value. The law is repealed 5 years after its effective date.

LD 866 **An Act to Amend the Budget Process for Sagadahoc County** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LESSARD	ONTP	

LD 866 proposed that the county commissioners of Sagadahoc County be required to submit any increase in the annual county budget of 10% or more over the previous year's budget to the voters for approval. This bill also proposed to prohibit including the cost of maintaining the Sagadahoc County public safety answering point as part of the overall county budget.

LD 899 **An Act to Expand the Laws Pertaining to Accessibility for Persons with Physical Disabilities** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNE	ONTP	
GAGNON		

LD 899, as proposed, would have applied to new construction and major remodeling, enlarging and renovating, on or after January 1, 2002, of buildings or facilities that are considered public accommodations. The bill proposed that the entrances to these buildings and facilities must be automatic doors or power-assisted doors.

LD 957 **Resolve, to Transfer State Property to the City of Bangor** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY	ONTP	
SAWYER		

LD 957 proposed to convey a 7.5 acre parcel of state-owned land located on the east side of the Hogan Road in Bangor to the City of Bangor. The property to be transferred, which is a portion of the Elizabeth Levinson Center property, was proposed as a possible site for a medical office complex.

Joint Standing Committee on State and Local Government

LD 982

**An Act to Promote Efficiency in County Government in the
Androscoggin County Budget Process**

ONTP

<u>Sponsor(s)</u> MENDROS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 982 proposed to transfer final budget authority in Androscoggin County from the budget committee to the county commissioners.

LD 985

Resolve, Creating a Governance System for Unorganized Towns

ONTP

<u>Sponsor(s)</u> KASPRZAK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 985 proposed to establish the 15-member Committee to Study the Governance of the Unorganized Territories of Maine. The resolve proposed to charge the committee with examining the feasibility of establishing an alternative system of governance for the unorganized territories, such as that proposed in the report of the subcommittee of the Joint Standing Committee on State and Local Government on LD 299 from the 119th Legislature. The resolve set a reporting deadline of December 15, 2001.

LD 988

An Act Relating to the Celebration of Veterans' Week

PUBLIC 100

<u>Sponsor(s)</u> ABROMSON SULLIVAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-53
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LD 988 proposed to provide for the observance of Veterans' Week each year in each political subdivision, school system and school administrative district in the State.

Committee Amendment "A" (S-53) provided that the celebration of Veterans' Week would be permissive and that municipalities and schools be encouraged to observe the holiday with appropriate activities.

Enacted law summary

Public Law 2001, chapter 100 encourages the observation of Veterans' Week with appropriate activities each year in every municipality and school administrative unit in the State. Veterans' Week is the period Sunday through Saturday in November in which the federal holiday, Veterans' Day, occurs.

Joint Standing Committee on State and Local Government

LD 1038

Resolve, Requiring the Maine Municipal Association, the Maine County Commissioners Association and the Office of the Governor to Establish a Permanent Statewide Intergovernmental Advisory Commission

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORRISON	ONTP	

LD 1038 proposed to require the Maine Municipal Association, the Maine County Commissioners Association and the Office of the Governor to establish a permanent statewide intergovernmental advisory commission. The establishment of such a commission was one of the recommendations included in the November 1997 report by the Task Force on Intergovernmental Structure entitled, "Proposal to Reduce the Cost of Government Through Reform of Governmental Relations." Among other duties, the commission would identify ways to reduce duplication of services and to promote communications and cooperation among the 3 levels of government.

LD 1054

An Act to Ensure Independent Decision Making in Appeals of Denials of Abatement of Property Taxes

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	ONTP MAJ	
DUNLAP	OTP-AM MIN	

LD 1054 proposed to provide taxpayers access to an independent decision maker when appealing the denial of a property tax abatement request. The bill proposed to accomplish this by eliminating the ability of a municipality to adopt a board of assessment review appointed by the selectmen when the selectmen also serve as assessors for the municipality. The bill would have permitted cases that are pending on October 1, 2001 to be completed by the board of assessment review and have provided for the termination of the board of assessment review when those pending cases were completed. Under the bill, appeals of requests for abatement in municipalities without a board of assessment review would be filed with the county commissioners.

Committee Amendment "A" (S-132), which was the minority report and which was not adopted, proposed to add a mandate preamble and a fiscal note to the bill.

LD 1083

An Act to Authorize State Agencies to Arrange for Direct Billing of Hotel Rooms for State Business

PUBLIC 120

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP MAJ	
MCDONOUGH	ONTP MIN	

Joint Standing Committee on State and Local Government

LD 1083 proposed to allow a state agency to use a purchase order to procure lodging and to permit a hotel, motel or other establishment that provides lodging to bill a state agency directly in connection with a state employee who travels on state business.

Enacted law summary

Public Law 2001, chapter 120 provides that a hotel, motel or other lodging establishment may directly bill a state agency for services provided to a state employee traveling on state business. A state agency may use a purchase order to procure lodging.

LD 1116

An Act to Honor Maine's French Heritage

ONTP

Sponsor(s)
MICHAEL

Committee Report
ONTP

Amendments Adopted

LD 1116 proposed to establish both English and French as the official state languages.

LD 1118

An Act to Enact the Paperwork Reduction Act

CARRIED OVER

Sponsor(s)
MCKENNEY
TURNER

Committee Report

Amendments Adopted

LD 1118 proposed to establish the Maine Paperwork Reduction Act. The bill proposed to require that similar or identical information and data required to be reported periodically to state agencies or departments by businesses operating in the State be reported to a single agency, the agency of record. The bill proposed that the agency or department of State Government that historically was the first to require a business operating in this State to report information or data during a reporting period established by law or rule be identified as the agency of record. The bill also proposed that requests for additional information by a state agency be made through the agency of record and that a business disclose the identity of the agency of record to any state agency requesting that information.

This bill has been carried over to the Second Regular Session of the 120th and the Joint Standing Committee on State and Local Government established a subcommittee to work with the sponsor and interested parties to develop an amended version of the bill during the interim.

LD 1131

An Act to Allow Municipalities to Advertise Legal Notices in Weekly Newspapers

ONTP

Sponsor(s)
NASS

Committee Report
ONTP

Amendments Adopted

Joint Standing Committee on State and Local Government

LD 1131 proposed to allow municipalities to fulfill their legal notice obligations under Title 1, section 601 of the Maine Revised Statutes by publishing legal notices in a publication distributed by 3rd Class mail providing that the municipal officers have adopted a publication policy. Under the proposed bill, the policy would have to meet the following 3 requirements: The newspaper of general circulation would have a subscription rate of less than 25% of the residents in the municipality; all households in the municipality would receive the 3rd Class publication; and the 3rd Class publication would cost less than the newspaper of general circulation.

LD 1145 **Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Jacob Abbott House Property Located at the Stevens School Campus in Hallowell** **RESOLVE 60**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM	S-60

LD 1145 proposed to authorize the Commissioner of Administrative and Financial Services to sell or lease the Jacob Abbott House and transfer the Reed Auditorium in Hallowell with a suitable amount of land.

Committee Amendment "A" (S-60), proposed to strike and replace the title of the resolve. This amendment also proposed to strike section 3 of the original resolve and to amend the resolve to authorize the Commissioner of Administrative and Financial Services to sell or lease the Jacob Abbott House property in Hallowell with a suitable amount of land. It also proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 60 authorizes the Commissioner of Administrative and Financial Services to sell or lease the Jacob Abbott House property in Hallowell with a suitable amount of land. The resolve is repealed 3 years from its effective date.

LD 1146 **An Act to Give the Legislative Council Discretion in Appointing Members to the Revenue Forecasting Commission** **PUBLIC 2
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH BRUNO		

LD 1146, which was not referenced to a standing committee, proposed to change the composition of the Revenue Forecasting Committee by removing the member who is an analyst from the Office of Fiscal and Program Review and replacing that member with another member of the Legislature's nonpartisan staff familiar with revenue estimating issues. Under the bill, this new member was to be appointed by the Legislative Council.

Enacted law summary

Joint Standing Committee on State and Local Government

Public Law 2001, chapter 2, which was enacted without reference to a standing committee, changes the composition of the Revenue Forecasting Committee by removing the member who is an analyst from the Office of Fiscal and Program Review and replacing that member with another member of the Legislature's nonpartisan staff familiar with revenue estimating issues. Under the law, this new member is to be appointed by the Legislative Council.

Public Law 2001, chapter 2 was enacted as emergency legislation effective February 22, 2001.

LD 1153

An Act to Increase Certain Civil Process Fees

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER	OTP-A	
MCALEVEY	ONTP	

LD 1153 proposed to increase the fee paid to sheriffs and deputy sheriffs by the State for service of certain civil process papers. Under the bill, the fee would increase from \$4 to \$8 for regular service and from \$8 to \$16 for service in hand.

Committee Amendment "A" (H-428), the majority report of the committee, retained the provisions of the bill and additionally proposed to increase from \$1 to \$2 the fee county commissioners are authorized to charge for administrative costs related to service of civil process papers. The amendment also added a fiscal note.

The bill has been carried over to the Second Regular Session of the 120th Legislature by the Appropriations Committee.

LD 1165

An Act to Authorize the Bureau of General Services to Utilize Alternative Delivery Methods for Public Improvements and to Amend the Provisions Pertaining to Prebid Qualifications of Contractors

PUBLIC 271

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM MAJ	S-205
MCDONOUGH	ONTP MIN	

LD 1165 proposed to amend the existing competitive bid system of construction procurement for public improvement projects (except public schools, municipal and county government buildings and DOT projects) to allow the following alternative selection methods—design-build, construction-manager-at-risk and construction-manager-advisor. The bill also proposed to expand the requirements for the prebid qualification of contractors.

Committee Amendment "A" (S-205) proposed several clarifications of the alternative methods to the competitive bid process for delivery for public improvement projects provided in the bill. The amendment established the process for selection of state projects that may be considered for alternative methods of delivery and the requirements for requesting proposals, evaluating the qualifications of bidders and bids under the various

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alternative methods and conducting appeals from decisions of the Department of Administrative and Financial Services, Bureau of General Services. The amendment proposed creation of the Alternative Delivery System Review Panel to advise the bureau on policy making and project selection. The amendment also clarified provisions of the bill regarding qualification of contractors to bid on public improvement projects. As proposed in the amendment, the Bureau of General Services would be permitted to require additional financial information from bidders and qualification to bid could be denied based on a contractor's safety record, material misrepresentation, suspension or default on another contract. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 271 amends the existing competitive-bid system of construction delivery for public construction projects (not including public schools, municipal and county government buildings and DOT projects) to allow alternative delivery methods. The bill permits the Bureau of General Services to use design-build, construction-manager-at-risk and construction-manager-advisor delivery methods. The bureau is also empowered to hire an owner's representative under the competitive bid or any of the alternative delivery methods. Chapter 271 establishes the process for selection of public improvement projects that may be considered for alternative methods of delivery and the requirements for requesting proposals, evaluating the qualifications of bidders and bids under the various alternative methods and conducting appeals from decisions of the Department of Administrative and Financial Services, Bureau of General Services. An Alternative Delivery System Review Panel is established to advise the bureau on policy making and project selection. The law also expands the requirements for prospective bidders to provide information in order to qualify to submit bids on public construction projects.

LD 1176

**An Act to Require the State to Purchase the Initial Flags That are
Required for Veterans' Grave Sites**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PENDLETON	OTP-AM	H-146 H-265 HATCH

LD 1176 proposed to require the State to distribute flags to municipalities for use on veterans' graves. The proposed distribution of a flag for each grave would be a one-time occurrence. The bill, as amended by Committee Amendment "A" and House Amendment "A," was not removed by the Senate from its Special Appropriations Table and died on adjournment of the First Regular Session.

Committee Amendment "A" (H-146) proposed to add an appropriation section and a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-265) proposed that distribution of the flags be undertaken by the Department of Defense, Veterans and Emergency Management through its armories for pick up by the municipalities.

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LD 1177 **An Act to Amend the Laws Governing Election of Somerset County Commissioners** **ONTP**

<u>Sponsor(s)</u> MCGLOCKLIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1177 proposed to amend the current laws governing the election of Somerset County commissioners to permit all of the voters in the county, regardless of the commissioner district in which they reside, to vote for each member of the county commission. Although all eligible voters of the county would be allowed to vote for each commissioner candidate under the bill, the bill would not have dissolved the 3 existing county commissioner districts. Commissioner candidates also would still be required to reside in their respective commissioner districts.

LD 1218 **An Act to Amend the Calculation for Annual County Tax Assessments** **CARRIED OVER**

<u>Sponsor(s)</u> DORR		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1218 proposed to require that when county commissioners in each county apportion the annual county tax that they calculate and assess the cost of non-contracted rural sheriff patrol services in proportion to which those services are provided to each municipality and unorganized territory in that county. The bill would provide additional statutory authority to allow counties and municipalities to discuss and develop funding formulas for the assessment of sheriff patrol costs. The Joint Standing Committee on State and Local Government voted to carry over the bill to the Second Regular Session of the 120th Legislature.

LD 1220 **An Act to Require Notice of Use Changes for State Property** **ONTP**

<u>Sponsor(s)</u> TRAHAN MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1220 proposed that an agency of the State be required to publish a 30-day notice when it intends to change all or part of its use of any real property owned by the State or subject to a long-term lease or right-of-way claim by the State. Under the bill, if 25 or more residents petitioned the agency during the notice period, the change would have been prohibited unless the Legislature approved the change by law.

Joint Standing Committee on State and Local Government

LD 1287

An Act Concerning the Administration of County Government

PUBLIC 349

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P SHERMAN	OTP-AM	S-231

LD 1287 proposed to make 3 changes in the administration of county government. First, it proposed to repeal a provision of law that requires a substantial reduction in the pay of county commissioners in counties that hire a county administrator. Second, it proposed to establish the same probationary periods for county employees as those for municipal employees. Third, it proposed to give county commissioners discretion at the beginning of the fiscal year in determining what portion of surplus funds may be used to reduce the tax levy.

Committee Amendment "A" (S-231) proposed to add a new section to the bill that would define "unencumbered surplus funds" and would insert that term in the place of "unexpended balance" and "actual revenue in excess of estimates" in the law governing the use of surplus funds by counties. The amendment also proposed to require counties to consider surpluses from all prior years rather than only the preceding year in complying with the provisions of the laws governing use of surplus funds. It also proposed to clarify the sequence of uses of the county surplus in existing law. The amendment further proposed to increase from 10 percent to 20 percent, phased in over 3 years, the amount of surplus funds a county may retain for purposes other than reducing the amount of the tax levy in a fiscal year. Finally, the amendment proposed to permit counties to make expenditures of \$10,000 or less for the procurement of goods and services through oral proposals or bids. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 349 makes several changes in the administration of county government. The law repeals a provision of law that requires a substantial reduction in the pay of county commissioners in counties that hire a county administrator. It establishes the same probationary periods for county employees as those for municipal employees. The law section defines "unencumbered surplus funds" and inserts that term in the place of "unexpended balance" and "actual revenue in excess of estimates" in the law governing the use of surplus funds by counties. Public Law 2001, chapter 349 also requires counties to consider surpluses from all prior years rather than only the preceding year in complying with the provisions of the laws governing use of surplus funds. It also clarifies the sequence of uses of the county surplus in existing law. The law increases from 10% to 20%, phased in over 3 years, the amount of surplus funds a county may retain for purposes other than reducing the amount of the tax levy in a fiscal year. Finally, the law permits counties to make expenditures of \$10,000 or less for the procurement of goods and services through oral proposals or bids.

Joint Standing Committee on State and Local Government

LD 1328

An Act to Amend the Laws Governing Registers of Deeds

PUBLIC 317

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM MAJ	H-252
KILKELLY	OTP-AM MIN	S-214 YOUNGBLOOD

LD 1328 proposed to set uniform standards for registries of deeds with regard to the size, type and format of documents submitted to registries for recording. The bill also proposed to clarify the recording methods that may be used by registries. This bill also proposed to repeal the sunset of the records preservation surcharge.

Committee Amendment "A" (H-252), which was the majority report, proposed to amend the original bill by making less specific the requirements governing type of paper and style of type for any document submitted to any registry of deeds in the State after October 1, 2003. The amendment also proposed to exempt the Department of the Secretary of State from the provisions regarding certain requirements for documents submitted to a registry and to extend the repeal date to January 1, 2005 for the \$3 per document records preservation surcharge that a register of deeds may collect for all documents recorded in the registry of deeds.

This amendment also proposed to add a fiscal note to the bill.

Committee Amendment "B" (H-253), which was the minority report and was not adopted, proposed to amend the original bill by deleting administrative information requirements in subsection 4 of the Maine Revised Statutes, Title 33, section 651-B. It also proposed to make less specific the requirements governing type of paper and style of type for any document submitted to any registry of deeds in the State after October 1, 2003. The amendment also proposed to exempt the Department of the Secretary of State from the provisions of section 2 of this Act and to extend the repeal date to January 1, 2005 for the \$3 per document records preservation surcharge that a register of deeds may collect for all documents recorded in the registry of deeds.

This amendment also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-294) proposed to remove the provisions in the bill and Committee Amendment "A" that specified the type size and style of documents submitted for recording. This amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-313) also proposed to remove the provisions in the bill and Committee Amendment "A" that specified the type size and style of documents submitted for recording.

The amendment also proposed to correct the exemption subsection of Committee Amendment "A" to reflect that the documents exempted are supplied by the Department of the Secretary of State rather than submitted by that department. This amendment was not adopted.

House Amendment "C" to Committee Amendment "A" (H-322) proposed to remove the provisions in the bill and Committee Amendment "A" that specified the type size and style of documents submitted for recording.

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The amendment also proposed to correct the exemption subsection of Committee Amendment "A" to reflect that the documents exempted are supplied by the Department of the Secretary of State rather than submitted by that department. This amendment was not adopted.

House Amendment "D" to Committee Amendment "A" (H-323) proposed to strike the bill, as amended by Committee Amendment "A," retaining only that provision in the amended bill that proposed to extend the repeal date to January 1, 2005 for the document records preservation surcharge. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-214) proposed to strike the bill, as amended by Committee Amendment "A," retaining only that provision in the bill as amended that proposed to extend the repeal date to January 1, 2005 for the document records preservation surcharge.

Enacted law summary

Public Law 2001, chapter 317 extends to January 1, 2005 the repeal date for the \$3 document records preservation surcharge that a register of deeds may collect for all documents recorded in the registry.

LD 1336 **Resolve, to Create Health Days in Maine** **ONTP**

<u>Sponsor(s)</u> MACDOUGALL LEMONT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1336 proposed to direct the Department of Human Services, Bureau of Health to create a Health Days in Maine program to promote strategies for healthier living by Maine residents and authorize the program to be funded by the Fund for a Healthy Maine.

LD 1356 **An Act to Exempt Municipalities from Having to Zone for Mobile Home Parks** **ONTP**

<u>Sponsor(s)</u> SMALL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1356 proposed to exempt a municipality from setting aside 10 percent of new residential development for affordable housing if the percentage of housing that is affordable in that municipality exceeds the average percentage of affordable housing for municipalities in the State.

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LD 1387 **An Act to Require the Secretary of State to Make Available at Cost the Laws of Maine on CD-ROM** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAEL	ONTP	

LD 1387 proposed to require the Secretary of State to make the Maine Revised Statutes available to the public on CD-ROM at cost.

LD 1388 **An Act to Protect Maine Land Titles by Bringing Finality to Zoning and Subdivision Decisions of Municipalities and the Maine Land Use Regulation Commission** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON	ONTP	

LD 1388 proposed to provide that subdivision decisions made by a municipality or by the Maine Land Use Regulation Commission are final and are not subject to judicial review. The bill also proposed that the issuance of a building permit creates a conclusive presumption that the lot in question does not create an unapproved subdivision provided that 30 days have elapsed since the issuance of the permit and written notice of the permit application was given to abutters, mortgagors and lien holders. At the public hearing, the sponsor offered an amendment to the bill that would have eliminated the provision that subdivision decisions not be subject to judicial review.

LD 1430 **An Act to Expand Participation Between Adjoining Towns for Approval of Subdivisions** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	ONTP MAJ	
BROMLEY	OTP-AM MIN	

LD 1430 proposed to amend current planning law that requires a joint review by the planning boards in abutting municipalities whenever a proposed subdivision crosses a municipal boundary unless this hearing is waived by the municipalities. Under LD 1430, a joint review also could be requested by an abutting municipality when a proposed subdivision is situated within 1,000 feet of the abutting municipality and is reasonably expected to affect traffic, infrastructure, storm water flow or drainage, the environment or the delivery of municipal services in the abutting municipality. Additionally, the bill proposed to clarify that when a joint review is conducted, the applicant must meet all applicable requirements in the local laws and regulations of both municipalities.

Committee Amendment "A" (H-237), which was the minority report and was not adopted, proposed to strike the text of the original bill. The amendment also proposed to require that the municipality in which a proposed subdivision is located provide notice to property owners in a neighboring municipality when the proposed

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subdivision is to be located within 200 feet of the boundary line of that neighboring municipality. It also proposed to require that property owners and residents of the neighboring community who have been given notice be permitted to participate in any public hearing of the reviewing authority to the same extent as property owners and residents of the reviewing authority's municipality. The amendment also proposed to allow the reviewing authority to consider development-related impacts on the abutting municipality in its review of the subdivision application. It also proposed to add a fiscal note to the bill.

LD 1444 An Act to Enhance Local Accountability

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KASPRZAK	ONTP A	
	OTP-AM B	
	OTP-AM C	

LD 1444 proposed to repeal the State's growth management program and to direct the Director of the State Planning Office and the Commissioner of Economic and Community Development to jointly report in January of 2002 to the Joint Standing Committee on State and Local Government with a list and description of all state laws and rules that impose planning mandates on towns. The bill also required the Joint Standing Committee on State and Local Government to report a bill to the Second Regular Session of the 120th Legislature that would repeal all the mandates identified in that report, by other persons or by the committee.

Committee Amendment "A" (H-453), which was a minority report of the Joint Standing Committee on State and Local Government and was not adopted, proposed to replace the bill. The amendment proposed to target the resources for growth management by establishing that all municipal requirements placed on municipalities by the growth management laws would be strictly voluntary for those municipalities that experience less than average residential growth rates over the last 10-year period according to U. S. Census data. The amendment also proposed that penalties, sanctions or preemptions of home rule authority that may be part of the growth management laws also would not apply to those municipalities, except that the system of preference for certain state-administered grants would continue to apply to all municipalities. The amendment also proposed to add a fiscal note to the bill.

Committee Amendment "B" (H-454), which was not adopted, also was a minority report of the Joint Standing Committee on State and Local Government. It proposed to add an appropriation section and a fiscal note to the original bill.

LD 1445 An Act to Allow a Legislator to Opt Out of the Partisan Staff System

NOT PROPERLY
BEFORE BODY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAEL		

LD 1445, which was suggested for referral to the Joint Standing Committee on State and Local Government, proposed to allow a Legislator to decline the services of partisan staff and receive a pro rata share of the budgeted costs of the partisan offices to be used directly by the Legislator for constituent services. The bill would have taken

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effect December 1, 2002. Both the Speaker of the House and the President of the Senate ruled that the bill, which was not referred to a committee, was not properly before the bodies.

LD 1448 **An Act to Designate a Day of Reflection and Tolerance** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY	ONTP	

LD 1448 proposed to designate May 17th of each year as Diversity Day.

LD 1452 **RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Provide for the Popular Election of the Constitutional
Officers and State Auditor** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY	ONTP	

LD 1452 proposed to amend the Constitution of Maine to provide for direct popular election of the State's constitutional officers and the State Auditor in the manner currently provided for Senators and Representatives.

LD 1523 **An Act to Preserve the Right to Air-dry Laundry** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY	ONTP MAJ	
	OTP MIN	

LD 1523 proposed to prohibit a municipality or person from passing or imposing an ordinance, covenant, contract provision, rule, regulation or restriction that would prohibit the hanging of laundry outdoors except for reasonable health or safety purposes.

House Amendment "A" (H-184), which was not adopted, proposed to remove the provision in the original bill that barred a municipality from prohibiting the hanging of laundry outdoors.

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LD 1549

An Act to Amend the Organization of Washington County Government

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN SHOREY		

LD 1549 proposed to direct the county commissioners in Washington County to report to the Joint Standing Committee on State and Local Government by January 1, 2002 with a plan for hiring a county administrator and increasing the number of county commissioner districts from 3 to 5 in Washington County. The Joint Standing Committee on State and Local Government voted to carry over the bill to the Second Regular Session of the 120th Legislature.

LD 1578

An Act to Clarify the Laws Governing Employment by the State

PUBLIC 203

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	OTP-AM	S-109

LD 1578 proposed to amend the conflict of interest law to provide that an executive employee receiving outside remuneration for doing something that would reasonably be viewed as part of the employee's job would be a conflict of interest and subject to a civil forfeiture.

Committee Amendment "A" (S-109) proposed to amend the bill to permit receipt of reasonable travel expenses from an outside source. The amendment also added a new section to the bill that prohibits a state employee having a beneficial interest in an entity that is contracting with the state agency that employs that employee. The amendment proposed a specific procedure for the granting of exemptions from the statutory rule contained in the amendment, subject to a right of appeal after notice by any other parties who have bid on the contract in question. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 203 amends the law regarding conflict of interest for state employees in 2 ways. First, it prohibits a state employee from receiving remuneration, other than reasonable travel expenses, for performing a function (such as speaking at a seminar) that would reasonably be viewed as part of the employee's job. Second, chapter 203 prohibits a state employee from having a beneficial interest in any entity that is contracting with the state agency that employs that employee. Certain exemptions are provided to the general prohibition.

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LD 1586

**An Act to Separate Territory from the Town of Falmouth and
Annex it to the City of Portland**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON DAVIS G		

LD 1586 proposed to separate a parcel of property from the Town of Falmouth and annex it to the City of Portland. The property proposed for annexation is located on the southerly side of the Maine Turnpike spur that connects the turnpike with Route 1 in the Town of Falmouth. The property abuts other property under the same ownership in the City of Portland. The turnpike spur represents a substantial barrier to the provision of municipal services such as sewer, water and roads by the Town of Falmouth. The Joint Standing Committee on State and Local Government voted to carry over the bill until the Second Regular Session pending the outcome of negotiations among the parties involved in the annexation.

LD 1633

**An Act to Clarify Rights of Retainage in Public Construction
Contracts**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	ONTP MAJ OTP-AM MIN	

LD 1633 proposed to replace the current law authorizing retention of part of the contract price (retainage) for any public improvement contract. Under the change proposed in this bill, the process allows a 5% retainage until substantial completion of the work, at which time the public owner and the contractor develop a punch list of incomplete and unsatisfactory work. After that, 1 1/2 times the value of the punch list work may be retained by the owner and must be reduced proportionately as punch list work is completed.

The Senate initially adopted the Committee Amendment and the Senate Amendment to the Committee Amendment but later receded and concurred with the House, which adopted the majority ONTP report.

Committee Amendment "A" (S-245) was the minority report of the committee and proposed to alter the system of retainage of funds on public construction projects established in the bill by:

1. Adding the architect to the list of those who inspect the project at the substantial compliance stage and prepare the punch list of unsatisfactory work;
2. Increasing the amount of retainage that may be held after substantial compliance to 3 times the value of the punch list items; and
3. Establishing a limit of 60 days after creation of the punch list during which the contractor must make the changes on the list. After that time, the owner may keep the retainage if the punch list items are not completed while the contractor is still obligated to complete the punch list.

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The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-267) proposed to clarify that the payment of retainage for punch list work is to be made in accordance with the contract schedule. It also proposed to require that these provisions apply to contracts entered into on or after the effective date of this legislation. This amendment was not adopted.

LD 1667

Resolve, to Approve Conceptual Elements of the Augusta State Facilities Master Plan

RESOLVE 34

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM MAJ	
FULLER	ONTP MIN	

LD 1667 proposed legislative approval of the Augusta State Facilities Master Plan developed by the Capitol Planning Commission as the official master plan for the Capitol Area and to require that any necessary modifications in the plan be submitted to the Legislature for approval every 2 years.

Enacted law summary

Resolve 2001, chapter 34 adopts the Augusta State Facilities Master Plan developed by the Capitol Planning Commission as the official master plan for the development of state buildings and grounds in the Capitol Area. Future construction projects in the Capitol Area must be consistent with the master plan. The commission must report to the Legislature every 2 years on recommendations for changes in the master plan.

LD 1673

An Act to Restructure the Kennebec County Advisory Budget Committee

PUBLIC 172

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL C	OTP MAJ	
	ONTP MIN	

LD 1673 proposed to amend the structure of the Kennebec County Advisory Budget Committee. The bill proposed to allow non-elected municipal officials to be members of the budget committee. Existing law only allows municipal officers, or elected town officials, to serve on the county budget advisory committee.

Enacted law summary

Public Law 2001, chapter 172 amends the structure of the Kennebec County Budget Committee. The law allows nonelected municipal officials to be elected members of the county budget committee.

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LD 1678 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish the Legislative Compensation Commission** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL MARTIN		

LD 1678 proposed to amend the Constitution of Maine to establish the Legislative Compensation Commission to review the current levels of compensation provided to Maine Legislators. The constitutional resolution proposed that the 5 members of the commission – none of whom could be legislators, lobbyists or lobbyist employers at the time of the appointment -- be appointed by the Governor with at least one from each of the 2 major political parties. The resolution proposed that the commission's recommendations automatically take effect for the next legislative session unless the Legislature enacts legislation specifically overriding the commission's recommendations.

This resolution has been carried over to the Second Regular session of the 120th Legislature.

LD 1748 **An Act to Implement Recommendations of the Commission to Study Economically and Socially Just Policies for Foreign Investments and Foreign Purchasing by the State** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-501
	ONTP MIN	

LD 1748 represents the recommendations of the Commission to Study Economically and Socially Just Policies for Foreign Investments and Foreign Purchasing by the State. This bill proposed to require suppliers of goods and services for the State to sign an affidavit that they have complied with the state purchasing code of conduct in order to be considered in the competitive bidding process. It would have required the State Purchasing Agent to provide resources to bidders to assist them with compliance with the code of conduct. The proposed code of conduct consisted of a statement of the State's belief in the importance of doing business with companies that follow economically and socially just practices, a list of required business practices and a list of required employment practices for suppliers. The bill proposed that the State Purchasing Agent adopt rules governing the award of bids and to report annually to the joint standing committee having jurisdiction over state and local government matters. It also proposed to amend the commission's implementing legislation to require the commission to meet in September and October 2002 to assess the implementation of its recommendations and to create a new commission to study and establish economically and socially just policies for foreign investment by the State.

Committee Amendment "A" (H-501) was the majority report of the Joint Standing Committee on State and Local Government. It proposed clarifications to the application of the state purchasing code of conduct established in the bill. As amended, the code would have covered purchases by the State Purchasing Agent on behalf of state agencies only for footwear, apparel and textiles valued at over \$2,500 under the state competitive bidding law. The amendment also proposed to revise the statement of belief that is the basis for the purchasing code and that is part of the affidavit required from bidders in the bill. The amended statement of belief would have more clearly stated to potential bidders on covered state contracts the harm to Maine businesses and workers caused by competition from

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vendors and suppliers who fail to meet the basic tenets of ethical business and employment practices. The amendment also clarified that the code applies only to vendors wishing to contract with the State for covered goods. It would have required those businesses to sign an affidavit that they and, to the best of their knowledge, their suppliers at the point of assembly comply with local laws and with any applicable treaty obligations in the production of goods being offered for sale to the State. Should the State Purchasing Agent based on reliable information determine that a violation of the code has occurred, the amendment proposed that the agent continue the contract but to work cooperatively with the vendor to cure the vendor's or a supplier's violations. The amendment would have provided an ongoing exemption from the requirements of the bill if the State Purchasing Agent finds that needed goods covered by the law are available only from a vendor who is not in compliance with the code.

The amendment also proposed changes in the membership of the commission established in the bill to study ethical foreign investment practices by the State and added an appropriation section and fiscal note to the bill.

The bill, as amended, died on the Appropriations Table but was included without the report back by the old commission and the study of foreign investment in the Part II Budget, Public law 2001, Chapter 439, Part NNNN.

LD 1759

An Act to Define the Responsibilities of the Chief Information Officer and to Make Membership Changes on Technical Boards

PUBLIC 388

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM	S-232

LD 1759 proposed to establish in statute the position of Chief Information Officer and the Office of Chief Information Officer. The CIO holds the lead information technology position in the executive branch and is responsible for directing, coordinating and overseeing information technology planning, policy-making, architecture and standardization for State Government. Specifically the bill proposed to:

1. Add the CIO to the membership list of several existing boards and commissions usually replacing the Commissioner of DAFS;
2. Amend current DAFS law to account for the existence of the new CIO position;
3. Repeal several functions previously performed by the Bureau of Information Services;
4. Define the responsibilities of the CIO, including responsibilities formerly assigned to BIS; and
5. Repeal current conformance and misuse of State Government computer system laws and reenact them under the new CIO law.

Committee Amendment "A" (S-232) proposed to clarify the title of the bill and spell out that the responsibilities of the chief information officer with respect to information technology advocacy do not extend to the legislative and judicial branches of State Government. The chief information officer acts as a liaison to the judicial and legislative branches for information technology purposes.

Enacted law summary

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Public Law 2001, chapter 388 establishes in statute the position of Chief Information Officer and the Office of Chief Information Officer within the Department of Administrative and Financial Services and clarifies the role and responsibilities of the CIO. Several new information technology responsibilities are assigned to the CIO and some duties formerly performed by the Director of the Bureau of Information Services are transferred to the CIO. The CIO is to act as advocate and coordinator in the area of information technology within the Executive Branch of State Government and as liaison to the Judicial and Legislative Branches.

LD 1766 **Resolve, to Authorize the Northern Maine Technical College to Transfer .26 Acres of Land to the City of Presque Isle to Ensure Road Safety** **RESOLVE 35**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND BRUNO	OTP	

LD 1766 proposed to authorize the transfer of approximately .26 acres of land owned by the Northern Maine Technical College to the City of Presque Isle. The transfer would allow the city to realign a roadway abutting the NMTC campus to ensure safer flow of traffic on that roadway.

Enacted law summary

Resolve 2001, chapter 35 authorizes the transfer of approximately .26 acres of land by the Northern Maine Technical College to the City of Presque Isle. The transfer allows the city to realign a roadway abutting the NMTC campus to ensure safer flow of traffic on that roadway.

LD 1772 **Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 2001** **RESOLVE 19
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

LD 1772, which was a committee bill pursuant to Joint Order H.P. 1247, proposed the laying of the county taxes and authorizing expenditures of Kennebec County for the year 2001.

Senate Amendment "A" (S-108), which was not adopted, proposed to add \$3,000 for membership in the Kennebec Valley Council of Governments.

Enacted law summary

Resolve 2001, chapter 19 authorizes the laying of the county taxes and authorizes expenditures of Kennebec County for the year 2001.

Resolve 2001, chapter 19 was finally passed as an emergency measure effective May 14, 2001.

Joint Standing Committee on State and Local Government

LD 1773

An Act to Revise the Salaries of Certain Kennebec County Officers

**PUBLIC 161
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 1773 was a committee bill pursuant to Joint Order H.P. 1247. It proposed to increase the salaries of certain county officers in Kennebec County for the 2001 fiscal year. The proposed salary increases would apply retroactively to January 1, 2001.

Enacted law summary

Public Law 2001, chapter 161 increases the salaries of certain county officers in Kennebec County retroactively to January 1, 2001.

Public Law 2001, chapter 161 was enacted as an emergency measure effective May 14, 2001.

LD 1795

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Convey by Sale or Lease to the Warren Sanitary District the State's Interests in Certain Real Property in the Town of Warren in Connection with the Construction of the Maine State Prison at Warren

RESOLVE 61

Sponsor(s)
SAVAGE C

Committee Report
OTP-AM

Amendments Adopted
S-233

LD 1795 proposed to authorize the Commissioner of Administrative and Financial Services to convey interests in state property that is part of the Bolduc Correctional Facility to the Warren Sanitary District.

Committee Amendment "A" (S-233), which was adopted, proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 61 authorizes the Commissioner of Administrative and Financial Services to convey interests in state property that is part of the Bolduc Correctional Facility to the Warren Sanitary District. The resolve is repealed 3 years from its effective date.

Joint Standing Committee on State and Local Government

LD 1806

An Act to Repeal Certain Boards and Commissions

PUBLIC 352

Sponsor(s)

Committee Report

Amendments Adopted

LD 1806, which was a committee bill pursuant to Joint Order H.P. 1208, proposed to repeal the following boards and commissions that failed to file an annual report of activities with the Secretary of State for 1999 and 2000 or that filed annual reports with the Secretary of State indicating inactivity in the preceding 24 months: Commission on Interstate Cooperation, the Maine Area Health Education Centers Advisory Commission, the Child Welfare Advisory Committee and the State Advisory Council on Labor. It also proposed to exempt the Board of Emergency Municipal Finance, the Petroleum Advisory Committee and the Facility Siting Board from the annual reporting provisions of the Maine Revised Statutes, Title 5, section 12005-A except for any calendar year in which those bodies meet.

Enacted law summary

Public Law 2001, chapter 352 repeals the following boards and commissions that failed to file an annual report of activities with the Secretary of State for 1999 and 2000 or that filed annual reports with the Secretary of State indicating inactivity in the preceding 24 months: Commission on Interstate Cooperation, the Maine Area Health Education Centers Advisory Commission, the Child Welfare Advisory Committee and the State Advisory Council on Labor. The law also exempts the Board of Emergency Municipal Finance, the Petroleum Advisory Committee and the Facility Siting Board from the annual reporting provisions of the Maine Revised Statutes, Title 5, section 12005-A except for any calendar year in which those bodies meet.

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